Criminal & Juvenile Justice Information Advisory Group Meeting

December 2, 2016

Welcome & Introductions

Dana Gotz, BCA

Election of Advisory Group Chairs

Group

Data Practices Subcommittee Update

Laurie Beyer-Kropeunske & Beth Bibus

Data Practices Workgroup: Practitioner and Public Perspectives

December 2, 2016

Presentation by the Data Practices Workgroup & Management Analysis & Development

Overview

- Workgroup research strategy
- Practitioner's perspectives interviews
  - Methods and project design
  - Positive aspects to current data practices
  - Challenges
  - Potential improvements
  - Suggested statutory changes
- Group discussion

Three-part research strategy

- Part 1 Conduct 30-40 Interviews of criminal justice   professionals of "Current Challenges/Opportunities"   (what works, what doesn't work)

- Part 2 Environmental Scan by University of Minnesota   Humphrey Capstone students

- Part 3 Develop 2-4 questions for inclusion in the University   of Minnesota's Metropolitan & Statewide Survey of   Residents related to citizen expectation of privacy   related to criminal justice data, including concern   about sharing among criminal justice professionals   and the public.

Interviews: Methods and project design

- Management Analysis & Development (MAD) and workgroup members developed interview questions
- 43 interviews from April to June 2016

Category	Interviews
Crime Victim Services/ Crime Prevention	8
Law Enforcement	8
Probation/Parole	9
Prosecution	9
Public Defenders	9
Total	**43**

- MAD analyzed interview data to identify themes and insights, discussed findings with workgroup
- Findings are described qualitatively (*many, several, a few*)

What's working well?

- Data is generally shared or protected properly (*many interviewees*)
- Practitioners can get the data they need (*more than a third*)
- Parts of the law are clear (*about a fourth*)

- *The laws are pretty good...There are some loopholes, but generally, a pretty good approach.*
- *Chapter 13.82 is fairly straightforward on what data is public, private or confidential. It has a good balance of privacy considerations with victim rights and those of the suspect.*
- *A higher percentage of government people that I interact with are aware of general data practices requirements...Ten years ago, trying to get records from some departments was like talking to a wall.*

What's working well? (continued)

- Useful databases exist (*about a fourth*)
- IPAD is a useful resource (website, videos, advisory opinions, staff) (*about a fourth*)
- Improved cross-agency, cross-discipline work (*several*)
- Nothing or almost nothing is working well (*a few*)

Challenges with current data practices

- Administrative challenges, particularly staff time and resources (*many interviewees*)

  - *The cost for counties to respond to some data requests is enormous. How much money should state and county and cities spend keep up with data practices requests? If the public were aware of how much we spend, would they be concerned?*
  - *There are redactions that are necessary—mental health, victims—and there are lots of good reasons to protect data. But there's no ability to recoup costs. It's good for open government, but it's bad for administration.*

Challenges with current data practices (continued)

- Inconsistent interpretation of the law (*about half*)

  - *There's inconsistency. There seems to be no agreement within different communities about how law works. And there can be misunderstanding between programs…And all of that increases adversarial nature of the relationship and increases mistrust and frustration.*
  - *There is no consistency of opinion concerning what is public data and what is not. If you ask three different attorneys about what information is public, you often get three different opinions.*

Challenges with current data practices (continued)

- Information doesn't "flow" within the system (*about half*)

  − *It is more challenging to share data between the divisions in our county human services than with probation from another county. Frustrated county social workers say 'we're all working with the same kids and families, why can't we share?'*
  − *Public defenders are not seen as a part of the justice system and are denied access to information…even when they are allowed to access that information under statute.*
  − *I hear about situations where law enforcement won't give victim advocates police reports…they are told to ask for a specific report, but they can't if they don't know the victim's name…*

Challenges with current data practices (continued)

- Complexity in the law, many variables and exceptions (*about half*)
  - Problematic definitions or data types
  - Intersections of criminal court procedures and data practices
  - Juvenile justice data
  - Complexity in data release decisions

Challenges with current data practices (continued)

- Negative outcomes to releasing data (*about a third*)
- Fear of mistakes, fear of lawsuits (*about a fourth*)
- Prosecutors determine access (*several*)

- *Providing some data is not always in the best interest of victims and witnesses.*
- *We need to give probation clients the ability to succeed, to have jobs, housing, good family, and community connections…More public access increases de-stabilization of offenders.*
- *There are situations where a person posts [public data] mugshots on a website and will not remove the images unless the person in the photo pays them to. I don't think was the intent of the law.*
- *We need more court decisions to interpret the law. We often err on the side of not releasing, since we can always release more later.*

Identified potential improvements

- Additional training or resources for government entities, (*about half of interviewees*)

Examples included:

- Uniform statewide training
- Mandatory training or incentives
- Targeted training for specific disciplines or roles
- Universal forms and generic templates
- "Crib notes" or guides for data practices
- Additional resources from IPAD

Identified potential improvements
(continued)

- Consistent interpretation of existing law (more than a third)

  − *Reduce inconsistent understanding of the law in different jurisdictions. We need to clarify even within the same county because it varies city to city.*
  − *We need more transparency, consistency, and understanding across the board. The law is not that bad, but people don't understand it.*
  − *I understand that it isn't possible for everything to be black and white. But right now there are 87 opinions…It's frustrating to not have clear answers.*

Identified potential improvements
(continued)

- Database or computer system changes, such as automated security features, a central database, and consistent access (*about a fourth*)

- Fees to access data or additional agency funding to offset costs of preparing data (*less than a fourth*)

- More education and involvement for the general public (*several*)

Potential statute changes

- Simplify or clarify the law (*close to half of interviewees*)

  - *Make the data practices act more accessible to the public. It is very complicated and there are unnecessary fears around it because of lack of understanding.*
  - *Make it clearer--perhaps pattern it after the Sentencing Guidelines Grid so that most people could understand it.*
  - *So much of [the law] is gray and results in many different opinions…it's not possible to legislate for every possible scenario, but that there needs to be more guidance in the statutes too. Professionals can become paralyzed because they don't want to be wrong.*

Potential statute changes (continued)

- Better address juvenile justice data (*several interviewees*)
- Examine impact of technology on data practices (*several*)
- Change law so less data is released (*several*)
- Better address victim protection and access to data (*a few*)

Concerns about potential changes

- Too much public access (*more than a third of interviewees*)
- Additional problems for practitioners (*about a fourth*)

- *My concern is mostly that any changes or overhaul would weaken protections for crime victims. We need to keep the strong protections we have.*
- *Data access to the general public should not be broadened. With technology, information spreads quickly and there is no way to take it back once it's out there.*
- *I'm concerned that there would be further restrictions on sharing among government agencies and jurisdictions.*

Questions?

Discussion

- Do these perspectives align with what you've heard or experienced?
- What (if anything) surprised you about these perspectives?
- Thinking about the challenges and opportunities described here, what actions would you recommend? (*Suggested focus for this discussion:* actions that do not require legislative changes)

Collaborative Relationships and Funding Update

Amy Schmidt

Data & Identification Standards

Oded Galili

THE TASK

- From the Task Force's Identified Strategies
  - Establish uniform criminal justice data
  - Accurate identification standards

WHEN IDENTIFICATION GOES WRONG

- When A uses B's name and DOB (usually a relative) then B is charged with a crime

- If B does not know she was charged and does not appear for court a warrant is issued for B

- B is arrested the next time she has any contact with the police

- Even when the situation is fixed B has the charge on her record and she is forever linked to that case and A's criminal record and identification

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THE ISSUE(S)

- Wrong identification leads to
  - Attaching a criminal history to the wrong person
  - Issuing warrants for the wrong person
  - Arresting the wrong person

- Time and resources to untangle the person and the wrong identification – who actually committed the crime?

- Clearing your (wrong) criminal history

OUR UNDERSTANDING

- Determine a common method to identify a person (having a complete record tied to the person – not having multiple "persons" which are actually the same one person).

- Data quality, ability to correctly identify offenses and the person(s) associated with those offences.

- Information is moved between systems in order to prevent errors

THE TEAM AND THE PROCESS

- Team
  - Judge
  - Chief Law Enforcement Officer
  - Public Defender
  - Data Integrator

- Process
  - Meetings and open discussions around real-life scenarios and their outcomes

WHAT IS IDENTIFICATION?

- From Merriam – Webster:
  - The act of finding out who someone is or what something is: the act of identifying someone or something
  - Something that shows who a person is: a document, card, etc., that has your name and other information about you and that often includes your photograph

CURRENT IDENTIFICATION PROCESS

- CURRENTLY Depends when we identify ("level" of encounter)
  - Citation/misdemeanor Name/DOB;
  - Name/DOB, Photo;
  - Felony Name/DOB, Photo, Fingerprint; DNA

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IDENTIFICATION PROCESS CONSIDERATION[1]

- Depends when we identify ("level" of encounter)
  - Name/DOB;
  - Name/DOB, Photo
  - Name/DOB/ Photo, Fingerprint; DNA

Ideas the team discussed

- Minimum requirements to identify a person
  - More than just a name/DOB
  - Fingerprints/retinal scans/DNA/Rapid DNA/Facial recognition
    - DNA in the future for identification vs.
    just resolving a crime

IDENTIFICATION PROCESS CONSIDERATION$_2$

- Ideas the team discussed
  - Practicality – we will not obtain a fingerprint of every person in contact with police
  - Fingerprint identification should be after a decision to take action
  - Follow 299c.10

IDENTIFICATION PROCESS CONSIDERATION[3]

- Reliable method(s) for identification
  - Name and DOB is not sufficient; we would like at least to attach a photo (captured at the point of issuing a citation)
  - We prefer fingerprint (for all misdemeanors and above)
  - For misdemeanors (when a citation was issued) – photo at issuance, fingerprints at conviction
  - Keep process of felony name/DOB/fingerprints/proto at charge and DNA at conviction (no changes suggested)

RECOMMENDATIONS TO THE TASK FORCE

- Vetting process with advocacy groups and the public – a few options
  - Presentations on the pros and cons of photos as first-line of criminal process identification
  - Publish the recommendations for public comments on a website
- Collecting feedback and creating final recommendations
- Singular or highly integrated Criminal Justice System

FINAL COMMENT

- Outcome: " The Right Information, To the Right People, At the Right Time"

- A correct identification at the beginning of the criminal justice process will solve many current issues.

THANK YOU

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Next Steps

Deb Kerschner & Dana Gotz

Adjourn

Thank you for coming!